

1 BILL NO. S-82-09-25

2 SPECIAL ORDINANCE NO. S-

178-82

3 AN ORDINANCE approving an Agreement  
4 with Clark Dietz Engineers, a Division  
5 of CRS Group Engineers, Inc. for  
6 engineering services on Advanced Waste-  
water Treatment Project, in connection  
with the Board of Public Works.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
8 FORT WAYNE, INDIANA:

9 SECTION 1. That a certain Agreement dated August 11,  
10 1982 between the City of Fort Wayne, Indiana, by and through its  
11 Mayor and the Board of Public Works and Clark Dietz Engineers,  
12 a Division of CRS Group Engineers, Inc., for:

13 Professional Engineering Services on the  
14 existing Advanced Wastewater Treatment Project  
15 including, but not limited to, an in-depth  
16 constructability review of the plans, speci-  
17 fications, hydraulic design, contract, etc.  
to identify potential problems and eliminate  
or minimize project cost overruns and/or  
change orders;

18 involving a total cost not to exceed Forty-Two Thousand Five  
19 Hundred and No/100 Dollars (\$42,500.00), all as more particularly  
20 set forth in said Agreement, which is on file in the Office of  
21 the Board of Public Works, and is by reference incorporated  
22 herein, made a part hereof, and is hereby in all things ratified,  
23 confirmed and approved. Two copies of said Agreement are on file  
24 with the Office of the City Clerk and made available for public  
25 inspection, according to law.

26 SECTION 2. That this Ordinance shall be in full force  
27 and effect from and after its passage and any and all necessary  
28 approval by the Mayor.

29  
30  
31 APPROVED AS TO FORM  
32 AND LEGALITY

  
Councilmember

  
Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Burns, seconded by Burns, and duly adopted, read the second time by title and referred to the Committee City Matters (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 9-14-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by Burns, seconded by Burns, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCRUGGS</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 9-28-82

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)

(APPROPRIATION) ORDINANCE (RESOLUTION) NO. 9-178-82  
on the 28th day of September, 1982

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of September, 1982, at the hour of 11:30 o'clock PM, E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 4th day of October 1982, at the hour of 10 o'clock A, E.S.T.

Win Moses, Jr.  
WIN MOSES, JR. - MAYOR

BILL NO. S-82-09-25

REPORT OF THE COMMITTEE ON CITY UTILITIES

WE, YOUR COMMITTEE ON City Utilities TO WHOM WAS REFERRED AN  
ORDINANCE approving an Agreement with Clark Dietz Engineers, a  
Division of CRS Group Engineers, Inc. for engineering services  
on Advanced Waste-water Treatment Project, in connection with the  
the Baord of Public Works

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE 99 PASS.

PAUL M. BURNS - CHAIRMAN

MARK E. GiaQUINTA - VICE CHAIRMAN

JAMES S. STIER

JANET G. BRADBURY

ROY J. SCHOMBURG

9-28-82  
CONCURRED IN  
DATE 9-28-82 CHARLES W. WESTERMAN, CITY

AGREEMENT

FOR

PROFESSIONAL ENGINEERING SERVICES

ON

DESIGN AND CONSTRUCTABILITY REVIEW  
OF THE A. W. T. ADDITION TO FORT WAYNE  
WASTEWATER TREATMENT PLANT  
SEWAGE WORKS GRANT NO. C-180774-03

BY AND BETWEEN

CITY OF  
FORT WAYNE, INDIANA

AND

CLARK DIETZ ENGINEERS, A DIVISION  
OF CRS GROUP ENGINEERS, INC.

AGREEMENT

CITY OF FORT WAYNE, INDIANA  
9 APRIL 1982

AGREEMENT

THIS AGREEMENT, by and between the CITY OF FORT WAYNE, INDIANA, acting by and through its Mayor and Board of Public Works, hereinafter referred to as the OWNER, and CLARK DIETZ ENGINEERS, A DIVISION OF CRS GROUP ENGINEERS, INC., hereinafter referred to as the ENGINEER, WITNESSETH THAT:

WHEREAS, the OWNER is in need of and desires certain Professional Engineering Services on Design and Constructability Review of the A.W.T. Addition to Fort Wayne Wastewater Treatment Plant, hereinafter referred to as the PROJECT;

WHEREAS, the ENGINEER agrees to perform the Professional Engineering Services on the PROJECT for such fees as thereinafter set forth; and

WHEREAS, the OWNER agrees to employ the ENGINEER for the Professional Engineering Services as thereinafter set forth in the AGREEMENT.

NOW, THEREFORE BE IT RESOLVED, that the OWNER and the ENGINEER agree to the following terms for the Professional Services on this PROJECT:

ARTICLE 1. SCOPE OF THE PROJECT

For the purpose of the AGREEMENT, the project scope consists of a design and constructability review of Phases A, B, and C of the A.W.T. addition to the Fort Wayne wastewater treatment plant in the state of construction existing at the time this contract is authorized.

ARTICLE 2. DUTIES OF THE ENGINEER

The ENGINEER will:

- Review the construction documents for this project, including the plans, specifications, pay estimates, change orders, construction reports, design criteria and other information made available by the design engineer and the OWNER.
- Confer with the OWNERS representatives responsible for operation, construction inspection, and contract administration to become fully familiar with the project in its present state.
- Visit the plant site to inspect the construction conditions and methods, understand the physical constraints, and evaluate functional aspects of the project.
- Consider alternatives that may improve fiscal and cash flow aspects of the project.
- Perform cost-effective analysis and life cycle evaluation of alternatives and procedures that may reduce contract changes or minimize project costs.

- Prepare and present an oral report of studies, findings, conclusions and recommendation resulting from this special project review within four weeks of the authorization to proceed. A final written report will be presented within three weeks after the oral report.

ARTICLE 3. DUTIES OF THE OWNER

The OWNER shall make available all information and records from City's files and appropriate data from the design engineer which may be used by the ENGINEER in performing the engineering services authorized by the OWNER.

The OWNER shall designate an individual with full authority to speak for the OWNER to coordinate all activities of the ENGINEER as they relate to the OWNER.

ARTICLE 4. PAYMENTS TO THE ENGINEER

The OWNER will pay the ENGINEER for basic services performed under ARTICLE 2, a fee of payroll costs of the individuals actually involved on this project as classified in Exhibit "A" attached, plus 120 percent which allows for overhead, indirect costs and profit. Travel and other out-of-pocket expenses will be billed at actual cost without increase. The total of all payments to the Engineer shall not exceed \$42,500.

Payment on account of all fee for basic services will be based on monthly presentation of the ENGINEER's statement. The monthly statements will reflect the hours and rates of the individuals involved on the project and related expenses.

ARTICLE 5. SUCCESSORS AND ASSIGNMENTS

The OWNER and the ENGINEER each binds himself and his partners, successors, executors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither the OWNER nor the ENGINEER shall assign, sublet or transfer his interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the OWNER and the ENGINEER.

ARTICLE 6. TERMINATION OF THIS AGREEMENT

Either of the parties hereto may terminate this Agreement at any time upon not less than ten (10) days written notice to the other party. In the event this agreement is terminated prior to completion of the work, a final payment shall be made to ENGINEER which, when added to any payments previously made, shall equal the total percentage of work satisfactorily completed. All data, materials and analyses prepared or produced by the ENGINEER herein shall become the exclusive property of the OWNER. ENGINEER shall have no rights in or claim against said OWNER for said data, materials and analyses prepared or produced for OWNER.

ARTICLE 7. EXECUTION

The OWNER and the ENGINEER do hereby agree to full performances of the above covenants.



AGREEMENT

CITY OF FORT WAYNE, INDIANA  
9 JULY 1982  
PAGE FIVE

IN WITNESS WHEREOF, the parties hereto do execute this AGREEMENT this

11<sup>th</sup> day of August, 1982.

CITY OF FORT WAYNE, INDIANA (OWNER)

By: [Signature]  
Win Moses, Jr., Mayor

ENGINEER:

BOARD OF PUBLIC WORKS  
CITY OF FORT WAYNE, INDIANA

CLARK DIETZ ENGINEERS, DIVISION  
CRS GROUP ENGINEERS, INC.

[Signature]  
Stephen A. Bailey, Chairman

[Signature]  
Vice President

[Signature]  
Betty R. Collins, Member

ATTEST:

[Signature]  
Roberta Anderson Staten, Member

[Signature]  
Assistant Secretary

Approved as to Form & Legality

[Signature]  
Associate City Attorney

ATTEST:

[Signature]  
Sandra Kennedy, Clerk  
Board of Public Works

PWC:dab 1/51908

## EXHIBIT "A"

## SCHEDULE OF PAYROLL RATES

<u>Classification</u>	<u>Hourly Rates</u>
Vice President	\$ 35.00
Engineer VIII	27.85
Engineer VII	25.40
Engineer VI	22.30
Engineer V	19.55
Senior Architect	21.00
Technical/Draftsman	15.30
Typist	8.50

AGREEMENT FOR ENGINEERING SERVICES ON ADVANCED WASTEWATER  
TREATMENT PROJECT

TITLE OF ORDINANCE

DEPARTMENT REQUESTING ORDINANCE

Board of Public Works

J-82-0525

SYNOPSIS OF ORDINANCE

An agreement to perform Professional Engineering Services on

the existing Advanced Wastewater Treatment Project between the City of Fort Wayne

and Clark Dietz Engineers, A Division of CRS Group Engineers, Inc.

The engineering firm shall perform an in-depth constructability review of the plans,

specifications, hydraulic design, contract, etc. to identify potential problems,

and therefore, eliminate or minimize project cost overruns and/or change orders.

Prior Approval received on July 13, 1982

EFFECT OF PASSAGE

minimize cost overruns

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS)

Not to exceed \$42,500.00

ASSIGNED TO COMMITTEE